

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

**MARY PHILLIPA SLEDGE, MARY JANE
PIDGEON SLEDGE TRUST, and PIDGEON SLEDGE FAMILY
LIMITED PARTNERSHIP**

Plaintiffs,

v.

Civ. 2:13-cv-2578

**INDICO SYSTEM RESOURCES, INC. and
CLEAL WATTS, III**

Defendants.

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY TO RESPOND TO NEW
FACTUAL ASSERTIONS AND LEGAL ARGUMENTS RAISED IN DEFENDANTS'
REPLY TO PLAINTIFF'S MEMORANDUM IN OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS**

COME NOW, Mary Phillipa Sledge, Mary Jane Pidgeon Sledge Trust, and Pidgeon Sledge Family Limited Partnership ("Plaintiffs"), and move this Court for leave to file a Sur-Reply to respond to new factual assertions and legal arguments raised in Defendants' Reply to Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss [Dkt. No. 17] for the reasons set forth in Plaintiffs' Memorandum of Law filed contemporaneously herewith.

Wherefore, premises considered, Plaintiffs request that this Court grant leave for Plaintiffs to file a Sur-Reply to respond to new factual assertions and legal arguments raised in Defendants' Reply to Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss.

Respectfully Submitted,

/s/ Darrell N. Phillips
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 30th day of January 2014, a copy of the foregoing electronically filed document was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party.

Bruce A. McMullen
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/s/ Darrell N. Phillips

CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2, counsel for Plaintiffs hereby certifies that he has consulted with Bruce McMullen, counsel for Defendants, by telephone on January 30, 2014. Mr. McMullen advised that he does not agree that new factual assertions and new legal arguments appear in Defendants' Reply and for these reasons, Defendants intend to oppose this Motion.

/s/ Darrell N. Phillips
Darrell N. Phillips